

N.Y.S.D. Case #
09-cv-8011(KBF)

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of August, two thousand thirteen.

Before: Rosemary S. Pooler,
Circuit Judge.

Barton Boothe,

Appellant,

v.

Direxion Shares ETF Trust, Daniel O'Neill,
Daniel J. Byrne, Gerald E. Shanley, III,
John Weisser, Rafferty Asset Management, LLC,

Defendants - Appellees.

ORDER
Docket No. 12-725

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: September 10, 2013**

Appellant moves to dismiss the appeal, as moot.

IT IS HEREBY ORDERED that the motion is GRANTED.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 09/10/2013